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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,781	04/08/2002	David Horne	DYOUN0215US	6334

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/868,781

Applicant(s)

HORME, DAVID

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This is the first Office Action for serial number 09/868,781, An Electrical Cabinet and a Frame therefor, filed on April 8, 2002. Claims 1-9 are pending.

#### ***Specification***

The disclosure is objected to because of the following informalities: on page 1, line 19 "member" should be --members--; the following section Headings should be inserted where appropriate: Title of the Invention, Cross-reference to Related Applications, Background of the Invention, Brief Summary of the Invention, Brief Description of the Drawings, Detailed Description of the Invention, and Abstract. Appropriate correction is required.

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "cantilevers" as cited in line 2 of claim 9 must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "to the two bars or tubes" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,606,020 to Kern. With regards to claims 1 and 4, Kern discloses a frame comprising: two transverse members (38,40 located at the top and bottom of the frame) disposed at opposite ends of the frame and at least two side bar members (10,12) connecting opposed sides of the transverse members, wherein each of the transverse members has a skeletal form formed from two connected substantially U-shaped bars (38,40) having substantially the same shape with straight bases (at 42, at 44 in Figure 2) and being connected together at the bases; at least one of the other sides of each of

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the transverse members having a recess, and the side bar members (10,12,14,16) being stepped back from the other sides of the transverse members to define a space therebetween. Regarding claims 2 and 3, Kern further teaches each of the transverse members including additional bars/side members (14,16) connected thereto. Kern does not disclose the straight bases (at 42, at 44 in Figure 2) being connected by welding or brazing. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the frame by welding the straight bases together as opposed to using the bolts/screws since welds and mechanical fasteners such as screws and bolts are well known for their use in the fastening art and the selection of any of these known equivalents to securely attach the transverse members to each other would be within the level of ordinary skill in the art.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,488,543 to Mazura et al. (Mazura). With regards to claims 1 and 5-7, Mazura discloses a frame (see attached marked copy of Fig. 1) comprising: two transverse members (1,2) disposed at opposite ends of the frame and at least two side bar members (3) connecting opposed sides of the transverse members (1,2), wherein each of the transverse members (1,2) has a skeletal form formed from two connected substantially U-shaped bars (red portion, blue portion) having substantially the same shape with straight bases (at 6, at 8) and being connected together at the bases; at least one of the other sides of each of the transverse members (1,2) having a recess, and the side bar members (3) being stepped back from the other sides of the transverse members (1,2) to define a space therebetween; and further including removable side

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panels (18), at least one removable door (22), and at least one removable end panel (20). Regarding claims 2-4, Mazura further teaches each of the transverse members (1,2) including two additional bars/side bar members (3) connected thereto. Mazura does not disclose the straight bases (at 6, at 8) being connected by welding or brazing. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the U-shaped bars (red portion, blue portion) as separate members joined by a weld, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29709227. With regards to claims 1-5 and 7, DE 29709227 discloses a frame (Fig. 1) comprising: two transverse members (designated by 2 and 4 generally) disposed at opposite ends of the frame and four side bar members (10) connecting opposed sides of the transverse members (2,4), wherein each of the transverse members (2,4) has a skeletal form formed from two connected substantially U-shaped bars (see Fig. 2; each defined by 6,16,6) having substantially the same shape with straight bases (at 16) and being connected together (by 8) at the bases; at least one of the other sides of each of the transverse members (2,4) having a recess, and the side bar members (10) being stepped back from the other sides of the transverse members (2,4) to define a space therebetween; removable side panels (12,13) and at least one removable end panel (15); and further including additional bars (7) connected to each of the transverse members (2,4). DE 29709227 does not disclose the straight bases (at 16) being connected by welding or brazing. However, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to have modified the frame by welding the straight bases to member 8 since welds are well known for their use in the fastening art and the selection of this known fastener to connect the transverse members the member 8 and thereby to each other would be within the level of ordinary skill in the art.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29709227 in view of U.S. Patent 5,806,945 to Anderson et al. (Anderson). DE 29709227 discloses the frame as applied above, but does not expressly disclose the removable side panels (12,13) attached to the side members (10) by hooks. Anderson teaches a frame (10) comprising removable side panels (21) attached to side members (12) by hooks (60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the side panels to include hooks because one would have been motivated to provide a means for securely and releasably mounting the side panels to the frame as taught by Anderson.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29709227 in view of U.S. Patent 5,380,083 to Jones et al. (Jones). Regarding claim 9 as best understood, DE 29709227 discloses the frame as applied to claims 1-5 and 7 above, but does not disclose the side panels (12,13) being mounted on cantilevers. Jones teaches a frame (1) comprising side panels (49) mounted on cantilevers (73) extending out from the frame (1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the frame to include

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cantilevers because one would have been motivated to facilitate external connection of an adjacent panel as taught by Jones (col. 8, lines 17 ff.).

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


3281194 to Bozarth et al; 3833279 to MacKenzie, Jr.; 5165770 to Hahn;  
5292189 to Lau et al; 5388903 to Jones et al; 5536079 to Kostic;  
5639150 to Anderson et al; 5695263 to Simon et al; 6036290 to Jancsek et al;  
D437300 to Horne; 6293637 to Anderson et al; 2001/0015598 to Sevier;  
6407332 to Buchberger et al; GB2074845 to Thorton et al; EP514668 to Kostic;  
EP522252 to Marchesi; GB2269614 to Coates; WO 94/19850 to Simon et al.

The above references disclose cabinets/housings relevant to Applicant's invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
12/10/02

  
KIMBERLY WOOD  
PRIMARY EXAMINER



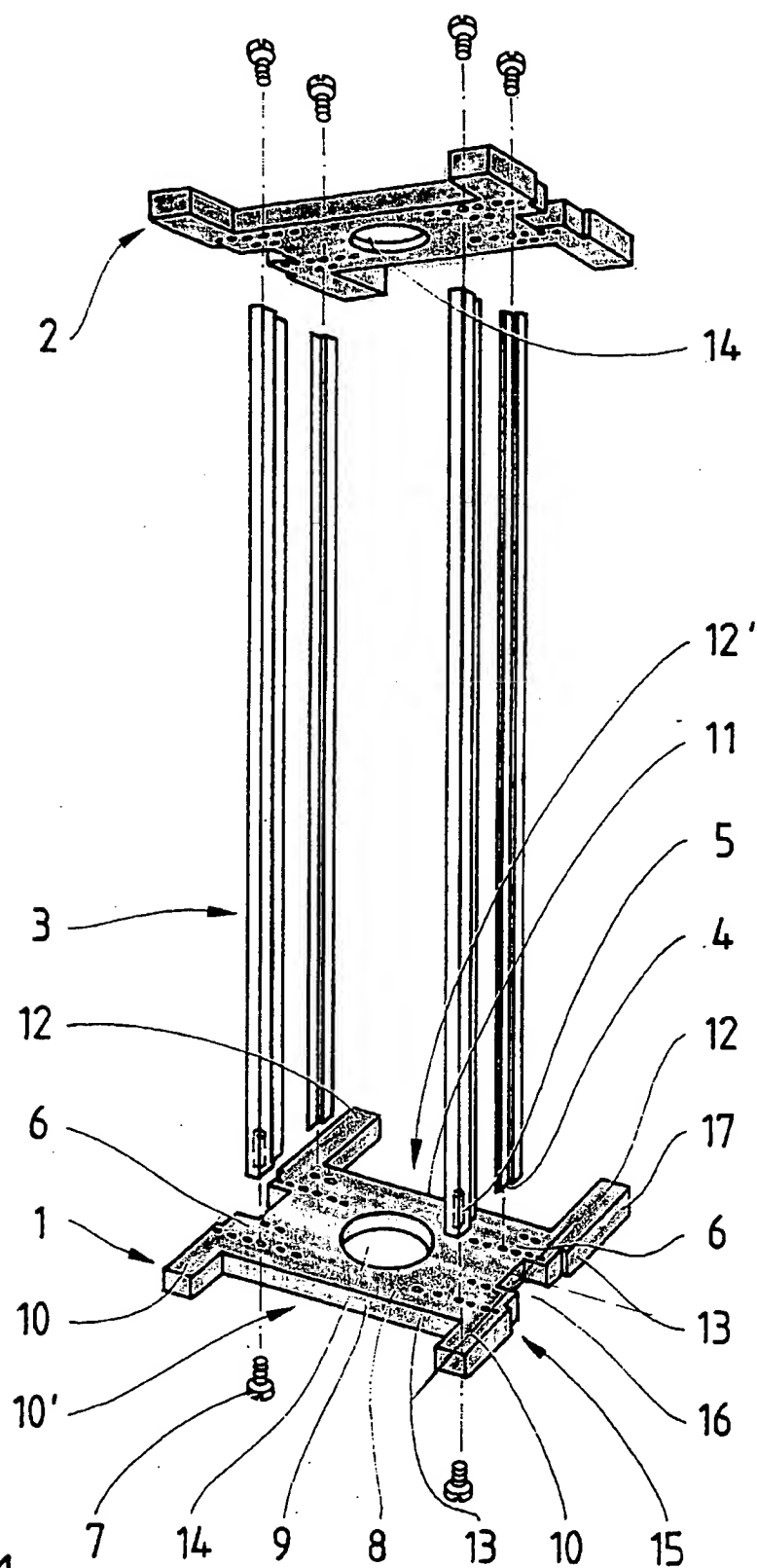


Fig. 1